

M/L 308
17.05.2023
Court. No. 22
chanchal

WPA 24872 of 2022

Anita Maiti
Vs.
The State of West Bengal & Ors.

Mr. Sourav Mitra
Mr. Arup Kumar Sahoo

...for the petitioner.

Mr. Avishek Prasad

....for the State.

Affidavit-of-service, filed in Court, is taken on record.

The petitioner claimed to be the unmarried daughter of Late Barindra Kumar Maiti who worked as an **Assistant Teacher** lastly at **Basantia High School, District Purba Medinipur**. The petitioner had obtained legal heirs certificate dated February 9, 2022 being **annexure P-7** at Page 18 of the writ petition. The petitioner claimed the family pension on account of her deceased father. The mother of the petitioner died on September 8, 2020. The deceased father retired on October 31, 2000. The relevant school had also recommended the case of the petitioner before the respondent No.3 and forwarded relevant records accordingly **annexure P-8** at page 19 to the writ petition way back on April 22, 2022. The death certificate of the deceased

father is **annexure P-4** at page 15 to the writ petition.

The petitioner made a representation before the respondent No.3 **annexure P-5** at page 16 to the writ petition, which was attested by the Teacher-in-Charge of the school on April 22, 2022. The representation had not received the attention of the respondent No.3.

In view of the above, to sub-serve justice, the respondent No. 3 is directed to consider the said representation of the petitioner being **annexure P-5** at page 16 of the writ petition after issuing a seven days prior hearing notice to the petitioner and the respondent No.5. The School authority after hearing the parties, shall pass a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3/D.I. within a period of **six weeks** from the date of communication of this order. The respondent No. 3/D.I. then shall communicate its reasoned order to the petitioner and the respondent No.5 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the

petitioner and relevant school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever records they wish to rely upon before the respondent No.3.

In the event, the reasoned order goes in favour of the petitioner, the respondent No. 3 shall forward a copy of the same to the respondent No.2 within a period of seven days from the date of the said reasoned order to be passed. The respondent No.2 then issue the necessary Pension Payment Order within a period of seven days from the date of receipt of the said reasoned order from the respondent No. 3. The respondent No.2 then send the said Pension Payment Order to the respondent No.4/Treasury Officer within a period of seven days from the date of said Pension Payment Order to be issued and the respondent No.4 thereafter within a period of two weeks from the date of receipt of the said Pension Payment Order shall disburse the sum and pay the petitioner upon receiving Bank account particulars from the petitioner in accordance with law.

It is made clear that this order shall not create any equity or right in favour of the petitioner, if the petitioner is not eligible to receive her claim, in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 24872 of 2022** stands disposed, without any order as to costs.

Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)